

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
TENNESSEE BUSINESS ENTERPRISES**

**CHAPTER 1240-6-7
TRAINING PROGRAM**

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1240-6-7-.01 ENTRY LEVEL TRAINING.

- (1) All candidates for entry-level training shall go through a thorough evaluation and screening before being admitted into the training class.
 - (a) All entry level training for potential managers shall be conducted at a site jointly determined by the Agency and Committee. All candidates for the training must be referred by the Vocational Rehabilitation Program. Each candidate will undergo an evaluation to determine if they have the skills to be successful managers.
 - (b) The Agency shall conduct a criminal background check of all candidates. Any candidate who has been convicted of a felony will not be permitted into the training program.
 - (c) The Vocational Rehabilitation Counselor will obtain a drug screening on all candidates before they are referred for entry level training. Any candidate with a documented history of substance abuse during the preceding twelve (12) months shall not be eligible for admission into entry level training.
 - (d) After the evaluation, the Director of Services for the Blind and Visually Impaired or a designated member of the management staff shall interview each candidate and review the evaluation and recommendations of the staff, the criminal background check, and an essay that the candidate will be required to submit. Based upon this information and responses to interview questions, the candidate will either be accepted or rejected. The duration of the academic training and the on-the-job training, as well as the curriculum to be taught shall be determined by the Agency with the active participation of the Committee.
- (2) After the candidates have successfully completed all course materials as evidenced by test scores, each shall complete on-the-job training with a currently licensed manager. The Agency shall select the manager with whom the candidate shall work and will require the manager to provide progress reports with respect to the candidate's performance. After successfully completing on-the-job training, the candidate shall be issued a license certifying that the candidate is a licensed manager in the State of Tennessee. If the candidate cannot successfully meet the requirements imposed by on-the-job training, and the Agency does not receive a recommendation from the manager selected to conduct the training, the Agency shall not issue the license.
- (3) When the license is issued, the manager shall be certified only in counter service, vending machine operations and a combination of those two areas.

Authority: T.C.A §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104; 71-1-105(12), and 71-4-604(c); 34 C.F.R. § 395 et seq. and 34 C.F.R. § 395.11. **Administrative History:** Original rule filed August 30, 1978; effective November 29, 1978. Amendment filed June 9, 1981; effective August 18, 1981. Amendment filed May 25, 1983; effective June

(Rule 1240-6-7-.01, continued)

24, 1983. Amendment filed December 11, 1986; effective January 25, 1987. Repeal and new rule filed April 27, 1998; effective August 28, 1998. Repeal and new rule filed April 8, 2005; effective June 22, 2005.

1240-6-7-.02 CERTIFICATION TRAINING.

- (1) At the beginning of each calendar year, the Agency shall publish and circulate to all licensed managers a schedule of training dates for certification in On-Site Food Preparation, Cafeteria, and Inmate Commissary Management. Those managers who lost certification in Counter Service or Vending prior to the implementation of these rules may request training in these areas. This training shall be made available to any of these eligible managers within sixty (60) days from the date the Agency receives the request.
- (2) The prerequisites for cafeteria management are that the manager has certification in on-site food preparation and has accrued twelve (12) months of seniority from a temporary or permanent assignment.

Authority: T.C.A §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104; 71-1-105(12), and 71-4-604(c); 34 C.F.R. § 395 et seq. and 34 C.F.R. § 395.3(11). **Administrative History:** Original rule filed August 30, 1978; effective November 29, 1978. Amendment filed May 25, 1983; effective June 24, 1983. Repeal and new rule filed April 27, 1998; effective August 28, 1998. Repeal and new rule filed April 8, 2005; effective June 22, 2005.

1240-6-7-.03 RETRAINING FOR ESTABLISHED MANAGERS.

- (1) The Agency shall provide specially designed retraining courses for managers who request retraining in a specific area. If the TBE Consultant/Specialist identifies an area in which the manager has a significant deficiency that can be corrected by training, the TBE Consultant/Specialist shall arrange specific remedial training to correct the deficiencies, provided that the findings of the TBE Consultant/Specialist are documented and a copy of the documentation is furnished to the manager. Managers who refuse such retraining may be subject to probation and subsequent termination of license.

Authority: T.C.A §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104; 71-1-105(12), and 71-4-604(c); 34 C.F.R. § 395 et seq. and 34 C.F.R. § 395.3(11). **Administrative History:** Original rule filed April 8, 2005; effective June 22, 2005.

1240-6-7-.04 UPWARD MOBILITY.

- (1) Each licensed manager must attend one (1) Upward Mobility training session every year in order to maintain his/her certification(s), unless the manager's certification(s) have otherwise been extended as provided in chapter 1240-6-4-.02(5).
- (2) For purposes of maintaining certification(s), the Agency shall, on an annual basis, provide for a minimum of one Upward Mobility training session in the cities of Knoxville, Chattanooga, Nashville, Memphis, Jackson, and Johnson City. Each manager will be required to attend the Upward Mobility training session in the city closest to his/her facility. Each session shall last for two days, totaling a minimum of twelve (12) hours, and the sessions shall cover topics of interest to be determined by the Agency with the active participation of the Committee.
- (3) Managers choosing to attend Upward Mobility more often than once a year or outside of their immediate region must do so at their own expense.

Authority: T.C.A §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104; 71-1-105(12), 71-1-106, and 71-4-604(c); 34 C.F.R. § 395 et seq. and 34 C.F.R. § 395.14(b)(5). **Administrative History:** Original rule filed April 8, 2005; effective June 22, 2005.

(Rule 1240-6-7-.04, continued)

1240-6-7-.05 STATEWIDE MANAGERS' MEETING.

- (1) The Agency and the Committee shall jointly sponsor and develop a statewide meeting for all licensed managers which will be held once annually if funds are available for the meeting. The development of the agenda shall be a common effort by the Agency and the Committee. The time and place shall be determined by the Agency and the Committee.

Authority: T.C.A §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104; 71-1-105(12), 71-1-106, and 71-4-604(c); 34 C.F.R. § 395 et seq. and 34 C.F.R. § 395.3(11). **Administrative History:** Original rule filed April 8, 2005; effective June 22, 2005.

1240-6-7-.06 REIMBURSEMENT.

- (1) The Agency shall reimburse licensed managers who participate in Agency-conducted certification training, Upward Mobility, and/or statewide managers' meetings if out-of-town travel is necessary. Reimbursement shall be limited to travel, lodging, and meals in accordance with Tennessee Comprehensive Travel Regulations. Managers who have not accrued any seniority for a three-year period shall not be eligible for such reimbursement and must pay their own travel expenses.

Authority: T.C.A §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104; 71-1-105(12), 71-4-301, and 71-4-604(c); 34 C.F.R. § 395 et seq. and 34 C.F.R. § 395.3(11). **Administrative History:** Original rule filed April 8, 2005; effective June 22, 2005.

1240-6-7-.07 POST-EMPLOYMENT SERVICES.

- (1) The Agency will make available post-employment services to all licensed managers to ensure that each has the opportunity to achieve maximum vocational potential. Such services shall be provided by the Agency's Vocational Rehabilitation Program.

Authority: T.C.A §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104; 71-1-105(12), 71-4-301, and 71-4-604(c); 34 C.F.R. § 395 et seq. and 34 C.F.R. § 395.3(11). **Administrative History:** Original rule filed April 8, 2005; effective June 22, 2005.

1240-6-7-.08 AGENCY ASSURANCES.

- (1) Pursuant to the Vocational Rehabilitation Act of 1973, as amended, the Agency shall ensure that effective programs of vocational training and other services are provided to blind persons as vocational rehabilitation services.
- (2) The Agency specifically ensures that all candidates applying for, or participating in, entry level training, certification training, retraining, and upward mobility programs shall not be subjected to discrimination on the basis of race, sex, age, disability, creed, color, national origin, religion, or political affiliation.

Authority: T.C.A §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104; 71-1-105(12), and 71-4-604(c); 34 C.F.R. § 395 et seq. and 34 C.F.R. § 395.3(11). **Administrative History:** Original rule filed April 8, 2005; effective June 22, 2005.